

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

TRENT TAYLOR,

Plaintiff,

v.

ROBERT RIOJAS, *et al.*,

Defendants.


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CIVIL ACTION NO. 5:14-CV-00149-C

ORDER

Plaintiff, with the assistance of counsel, filed an Amended Complaint on March 15, 2021 (Doc. 290), which appears to include Defendants and claims that are not currently before the Court.¹ But, Plaintiff did not seek leave to do so in accordance with the Court's prior Order (*See* Doc. 7) and Federal Rule of Civil Procedure 15(a)(2). The Court notes that Plaintiff previously amended his complaint as a matter of course during his testimony at the hearing conducted on November 20, 2014 pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985). *See Adams v. Hansen*, 906 F.2d 192, 194 (5th Cir. 1990) (*Spears* hearing is "in the nature of an amended complaint or more definite statement"). Because the Amended Complaint was filed without express leave of court and without consent of the Defendants, the Court finds that it should be STRICKEN and UNFILED from the record in this case.

SO ORDERED this 16th day of March, 2021.


SAM R. CUMMINGS
Senior United States District Judge

¹ Plaintiff is directed to the Order Lifting Stay for clarification of which Defendants and claims are currently before the Court following remand from the United States Court of Appeals for the Fifth Circuit. (*See* Doc. 286 at 2.)